



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
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June 15, 2011

via email:

David L. Braverman, Esq.
Braverman Kaskey
One Liberty Place, 56th Floor
Philadelphia, PA 19103

RE: Arsenal Business Center (CAA-03-2011-0143DA)
Comments on proposed revised Workplan

Dear Mr. Braverman:

As discussed during our June 9, 2011 meeting, which included representatives for Arsenal Business Center and representatives from the City of Philadelphia (Office of the Solicitor and Air Management Services), the Region has received and reviewed the proposed revised workplan, dated June 1, 2011, for the Arsenal Business Center. By this letter, I would like to summarize some of the general comments discussed during the meeting as well as provide specific comments on deficiencies noted in the proposed revised work plan.

General Comments:

1. By way of clarification, the ACO requires two work plans: Survey Work Plan (55F) and Remediation Work Plan (55H). Respondent should review the revised Survey Work Plan and make sure the correct terminology is used throughout to avoid confusion.
2. All buildings and/or structures, that have not been otherwise excluded (16 buildings), shall be included in the Survey Work Plan in order to provide written documentation of the status of each particular building and/or structure, or the remains of such (e.g. buildings and/or structures that have been demolished completely or partially). Specifically, Building 149 should be added back into the Survey Work Plan.
3. Reminder, the Survey Work Plan should be a work-able document that Respondents consultants can implement. Consultant(s) should have input to ensure that the plan set forth can be feasibly implemented.



4. During the meeting, you requested that your contractor, presumably Michael Paneppesso (Criterion Labs), be allowed to work directly with Christine Convery, Pesticides/Asbestos Programs and Enforcement Branch, while making revisions to the proposed revised work plan. This is a great idea! Ms. Convery can provide compliance assistance to your contractor in developing the Survey Work Plan.

Specific Comments:

On page 3 of the proposed revised work plan, please define "Asbestos Management Services Agreement".

On pages 3-4 of the proposed revised work plan, please include a statement that the asbestos survey will confirm the presence/absence of tunnel entrances in the basements of buildings. For example, on page 4 of the proposed revised workplan, #7 states that "Building # 123 . . . , and may contain one tunnel entrance." - it is EPA's expectation that this will be confirmed during the asbestos survey, therefore this should be outlined in the Survey Work Plan.

On page 5, 1st full paragraph, of the proposed revised work plan, please revise the 4th sentence to read "The survey shall include, but is not limited to . . ."

On page 6, paragraph 1, of the proposed revised work plan, please revise to include a statement confirming that sampling will be conducted in accordance with the City of Philadelphia ACR (as opposed to stating that "limited bulk samples" will be taken, which does not provide adequate information about the number of samples).

On page 6, paragraph 3, of the proposed revised work plan, please include a statement that the quantity of bulk sampling will be conducted in accordance with the City of Philadelphia ACR.

On page 6, paragraph 3, of the proposed revised work plan, please identify the name of the "in house survey project manager" and provide his/her credentials.

On page 7, paragraph 1, of the proposed revised work plan, please note that prior to any bags being disposed of, the contents need to be adequately wet in accordance with governing regulations. It is EPA's understanding that the ACR requires wetting with "amended water" as well as other specific procedures. Please consult with AMS regarding the proper procedures for disposal of these bags and include these specifics in this paragraph.

On page 8 of the proposed revised work plan, please clarify that the "Notice to Proceed" is EPA's notice to proceed with the comprehensive asbestos survey, only.

On page 9 of the proposed revised work plan, it is not clear why AMRs will be submitted for structures that have been "closed by the EPA or placarded by AMS". Please explain this further.

On page 10 of the proposed revised work plan, per our discussion during the June 9, 2011 meeting please provide additional details regarding a proposed schedule.

On page 11 of the proposed revised work plan, please remove the comma after the word "containment" located on the 2nd line. After which, the 2nd and 3rd lines should read: ". . . prior to containment dismantlement and demolition."

On page 12 of the proposed revised work plan, provide specific details regarding the plan for building 58 per our discussion during the June 9, 2011 meeting.

On page 12 of the proposed revised work plan, please note that Building 304 will not need to be reinspected provided its status report remains in the Survey Work Plan and the accompanying Exhibits are satisfactory to EPA.

On page 13 of the proposed revised work plan, please note that Buildings 140, 148, 148A will not need to be reinspected provided their status report remains in the Survey Work Plan and the accompanying Exhibits are satisfactory to EPA.

On page 13 of the proposed revised work plan, please note that Building 143 will not need to be reinspected provided its status report remains in the Survey Work Plan and the accompanying Exhibits are satisfactory to EPA.

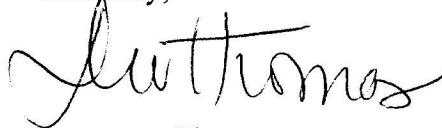
On pages 13-16 of the proposed revised work plan, describe in detail how the Respondent proposes to survey tunnels that are flooded.

Lastly, during the June 9, 2011 meeting a concern was raised by Mr. Hankin regarding efforts to have Building 45 classified as "imminently dangerous." During the meeting, Dennis Yuen from the City of Philadelphia's Office Solicitor explained that in order to have Building 45 declared "ID," Mr. Hankin should place a call to the city's hotline at 3-1-1 and verbally file a service request. The service request would be logged into the city's records and forwarded to the Department of Licenses and Inspections. Once the request is made, the operator creates and provides a reference number (case number) which can be used to track the status of the request. I hope this information will help expedite the resolution of your request.

Arsenal Business Center
June 15, 2011 Comments

If you have any general questions, please do not hesitate to give me at call. However, for any technical questions regarding the content of the work plan please have Mr. Panepesso call Ms. Convery directly at (215) 814-2249.

Sincerely,

A handwritten signature in black ink, appearing to read "Donzetta Thomas". The signature is fluid and cursive, with the first name being more prominent.

Donzetta Thomas
Senior Assistant Regional Counsel

cc: Dennis Yuen, City of Philadelphia Law Department
Christine Convery (3LC62)
Jeff Forrester, AMS